

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2002-0378
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY WITH MANDATORY
MINIMUM PENALTIES
AGAINST RANCHO CALIFORNIA WATER DISTRICT – WELL NO. 121
DISCHARGE TO SANTA GERTRUDIS CREEK FOR
VIOLATIONS
OF
ORDER NO. 2001-96, NPDES PERMIT NO. CAG919002**

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on 11 December 2002, to hear evidence and comments on the allegations contained in Complaint No. R9-2002-0296, dated September 18, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$3,000 finds as follows:

1. On October 10, 2001, the Regional Board adopted Order No. 2001-96, NPDES Permit No. CAG919002, *General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay*. Rancho California Water District (RCWD) was issued waste discharge requirements pursuant to Order No. 2001-96 on April 15, 1997 for the discharge of extracted groundwater from Well No. 121 located in Temecula, California. Well No. 121 provides potable water to be used in the RCWD service area. The discharge consists of potable grade groundwater from Well No. 121, which is purged from the pumps during daily start up and shut down activities. The purged water goes through an outfall structure to Santa Gertrudis Creek. The average volume of groundwater discharged is approximately 2,181 gallons per minutes, for five minutes – twice per day (21,810 gallons per day).
2. RCWD's Self Monitoring Reports (SMRs) for the period from April 2002 through June 2002 indicate one sampling result in violation of Order No. 2001-96. Total phosphorus concentration of 0.18 mg/L in the sample collected on June 19, 2002 exceeded the average monthly effluent limit of 0.1 mg/L by more than 40%, and is therefore considered a serious violation. These violations are summarized in Table 1 – *Violation Summary for Rancho California Water District – Well No. 121 Discharge to Santa Gertrudis Creek*.
3. Under California Water Code section 13385(h,1), one serious violation is subject to mandatory minimum penalties.
4. The total amount of the mandatory minimum penalty is \$3,000.

**Administrative Civil Liability with Mandatory Minimum Penalties
Rancho California Water District
Well No. 121 Discharge to Santa Gertrudis Creek**

5. Consideration of the information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0296 supports assessment of civil liability pursuant to Water Code section 13385(h,1) in the amount of \$3,000 as detailed in Table 1.
6. The Regional Board incurred costs totaling \$1,800, which includes investigation, preparation of enforcement documents, and communication with the discharger.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Rancho California Water District in the amount of three thousand dollars (\$3,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0296 is hereby incorporated into this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 11, 2002.

JOHN H. ROBERTUS
Executive Officer
December 11, 2002

Table 1
Violation Summary for Rancho California Water District – Well No. 121 Discharge To Gertrudis Creek
April 2002 through June 2002

<u>Date of Violation</u>	<u>Violation</u>	<u>Permitted Limitation</u>	<u>Reported Value</u>	<u>Pollutant Category</u>	<u>Ratio, Reported: Permitted</u>	<u>Serious/ Chronic</u>	<u>Water Code Section 13385</u>	<u>Penalty</u>
6/19/2002	Total Phosphorus average monthly effluent limit (AMEL)	0.1 mg/L	0.18 mg/L	1	1.8	Serious	(h)(1)	\$3,000
Total Penalty:								<u>\$3,000</u>

Ratio, Reported:Permitted is used for determining whether a violation is serious or chronic based on the category of the pollutant.